

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD R. HANSEN,

Defendant.

**4:18CR3140**

**ORDER**

Trial of this case is scheduled to commence on February 3, 2020. On January 24, 2020, Defendant moved to dismiss and requested an evidentiary hearing, arguing prosecutorial misconduct and that a trial on the pending charges will violate the Double Jeopardy Clause. (Filing No. 84).

The government has not had a reasonable opportunity to respond to this motion, and due to the press of other matters and the extensive issues raised in Defendant's motion, it requests a seven-day continuance, until February 7, 2020, of file its response. (Filing No. 88). The government also requests a trial continuance. Citing his right to a speedy trial, the defendant objects to the government's motion.

The current trial setting was entered over four months ago, (Filing No. 78), and based on a review of the brief and evidence in support of Defendant's motion to dismiss, (Filing Nos. 85 and 87), Defendant knew the facts supporting his motion to dismiss when the Second Superseding Indictment was filed on September 18, 2019. (Filing No. 75). Had Defendant promptly filed his motion to dismiss, the court would have resolved it by now. And under the circumstances presented, even if the government could reasonably respond to the motion to

dismiss by the current January 31, 2020 response deadline, the court would not have enough time to thoroughly consider the facts and the arguments raised before trial commences on February 3, 2020.

Accordingly,

IT IS ORDERED:

- 1) The government's motion to continue, (Filing No. 88), is granted.
- 2) The government's brief in response to the defendant's motion to dismiss, (Filing No. 84), shall be filed on or before February 7, 2020.
- 3) Trial of this case is continued pending resolution of the Defendant's motion to dismiss.

Dated this 27th day of January, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge